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March 16, 2017

By ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **TX Mobile, LLC Eligible Telecommunications Carrier and Lifeline
Broadband Provider Requests; WC Docket Nos. 09-197, 11-42**

Dear Ms. Dortch:

TX Mobile, LLC (TX Mobile or the Company) by and through the undersigned counsel, hereby submits this letter regarding TX Mobile's petitions for designation as an Eligible Telecommunications Carrier (ETC) in ten of the federal jurisdiction states¹ and Lifeline Broadband Provider (LBP) designation² that are currently pending before the Federal Communications Commission (Commission). Specifically, this letter is intended to:

1. Request that the Wireline Competition Bureau (Bureau) delineate a path forward for TX Mobile to offer Lifeline broadband services by granting TX Mobile's pending ETC Petition³ no later than June 23, 2017 (the deadline for the Bureau to act on TX

¹ See TX Mobile, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia, WC Docket No. 09-197 (filed Nov. 26, 2012) (ETC Petition).

² See TX Mobile, LLC Petition for Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier, WC Docket No. 09-197 (filed Dec. 23, 2016) (LBP Petition).

³ Alternatively, TX Mobile requests LBP designation by the Bureau, including a designation that is limited to the twelve federal ETC jurisdictions identified in the LBP Petition and which confers upon TX Mobile approved Compliance Plan status, no later than June 23, 2017. TX Mobile is prepared to move forward with Lifeline broadband offerings as set forth in the LBP Petition, including bundled broadband service offerings that include voice.

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Mobile's LBP Petition pursuant to the procedures set forth in the Lifeline Modernization Order⁴) and confirming that approval of the Petition will also serve as approval of a TX Mobile Compliance Plan;⁵

2. Reconcile the states and service areas in the ETC Petition and LBP petition where TX Mobile seeks authority to provide Lifeline services (including removal of federally recognized Tribal lands from both requests); and
3. Clarify the proposed Lifeline service plans for which TX Mobile seeks approval from the Commission.

TX Mobile respectfully submits that these actions are consistent with the Commission's rules and orders for the Lifeline program, and therefore respectfully requests that the Bureau grant its ETC Petition, as modified by this letter, as soon as possible, but no later than June 23, 2017.

TX Mobile's Pending Petitions and Request for Immediate Action

TX Mobile's ETC Petition, originally filed in 2012, has been pending before the Commission for more than four years. TX Mobile also submitted a Compliance Plan in 2012, which remains pending before the Commission. Most recently, TX Mobile filed its LBP Petition on December 23, 2016.

TX Mobile respectfully requests that the Bureau grant its ETC Petition, in the service territory described below, expeditiously. Granting TX Mobile this authority in the twelve states that do not designate wireless ETCs is clearly within the Commission's authority and would promote competition among Lifeline service providers in the federal ETC jurisdictions.

The Company also respectfully requests that the Bureau confirm that approval of the ETC Petition will also serve as approval of a TX Mobile Compliance Plan.⁶ With approved

⁴ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, ¶ 281 (rel. Apr. 27, 2016) (Lifeline Modernization Order) (establishing that "the Bureau shall act on [LBP petitions that do not meet the criteria for streamlined processing] within six months of the submission of a completed filing").

⁵ As explained below, confirmation by the Bureau that TX Mobile's ETC grant also would serve as approval of a TX Mobile Compliance Plan is consistent with the Lifeline Modernization Order and will allow TX Mobile to spur competition in the national market for Lifeline services by seeking additional ETC designations from individual state regulatory commissions.

⁶ TX Mobile respectfully submits that the ETC Petition, as modified by the LBP request, satisfies the "designation criteria [which the Commission deemed] sufficient to prevent waste, fraud, and abuse in the program, so a separate obligation to obtain approval for a compliance

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Compliance Plan status, TX Mobile can then seek to provide Lifeline service offerings to additional states by applying for similar wireless Lifeline-only ETC designations on a state-by-state basis in accordance with the requirements set forth by each state.

As stated in the Petition, TX Mobile commits to complying with the Lifeline Modernization Order and all other requirements set forth in the Lifeline rules. Additionally, in the future, TX Mobile will implement any subsequent rule changes as of their effective date.

Requested Service Areas in TX Mobile's ETC Petition and LBP Petition

TX Mobile's ETC Petition requests authority to provide voice and broadband Lifeline services in the following jurisdictions: Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia. Each of these jurisdictions has provided an affirmative statement to the Commission that it does not assert authority over wireless resellers for the purpose of Lifeline-only ETC designation. In its LBP Petition, TX Mobile requested authority to provide Lifeline broadband services in 48 states and territories, including all ten federal ETC jurisdictions named in the ETC Petition, plus Maine and Texas. TX Mobile included as an attachment to the LBP Petition a list of zip codes it can serve in each of those jurisdictions pursuant to its agreements with its underlying service provider. To reconcile any potential discrepancies between the service areas identified in the ETC Petition and the LBP Petition, TX Mobile hereby clarifies that it is seeking only ETC designation in the ten federal ETC jurisdictions named in its ETC petition, as well as Maine and Texas, with the specific service areas defined by the list of zip codes that was provided with the LBP Petition. Additionally, to assuage any potential concerns about infringing on Tribal sovereignty, TX mobile hereby modifies its requests to exclude all federally recognized Tribal lands within the twelve federal ETC jurisdictions.⁷ Therefore, it cannot be argued that a copy of TX Mobile's federal ETC petition must be provided to any Tribal authorities pursuant to section 54.202(c) of the Commission's rules.

TX Mobile's Proposed Lifeline Service Plans

TX Mobile's Compliance Plan and LBP Petition included multiple proposed Lifeline service plans. To clarify, through this submission, the Company is requesting approval for the plan in its LBP Petition which would provide Lifeline subscribers with 1 GB of data and 500 units of voice minutes/text messages or 250 voice minutes and unlimited text messages for

plan is not necessary." Lifeline Modernization Order, ¶ 281, n.739. As such, in connection with this request, TX Mobile is willing to withdraw its currently pending Compliance Plan if approved compliance plan status is granted as part of its federal ETC or LBP grant.

⁷ To the extent that any of the zip codes included in this list fall partially in a federally recognized Tribal land, TX Mobile will not serve the residents of federally recognized Tribal lands within those zip codes.

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\$10.00 per month. The Company understands that it must continue to comply with any future additions to or amendments of the Lifeline rules and will revise its offerings as necessary to comply, in the future, with updated service standards.⁸ To be clear, however, TX Mobile intends to include a voice component in all of its Lifeline plans. Thus, TX Mobile is not seeking forbearance from the Commission's requirement to provide all supported services, including voice services.⁹

* * *

For all of the above-stated reasons, TX Mobile respectfully requests that the Bureau grant its ETC Petition, as modified by this letter, or alternatively grant its LBP Petition, at least for the twelve federal ETC jurisdictions identified above, as soon as possible, but no later than June 23, 2017.

Respectfully submitted,



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⁸ See Lifeline Modernization Order ¶ 93; 47 C.F.R. §§ 54.408(a)(2), (b)(2)(ii), (c).

⁹ Lifeline Modernization Order ¶ 296.